

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

TRUSTEES OF THE BRICKLAYERS AND ALLIED  
CRAFTWORKERS, LOCAL 5 NEW YORK  
RETIREMENT, WELFARE, LABOR MANAGEMENT  
COALITION and APPRENTICE TRAINING AND  
JOURNEYMEN UPGRADING FUNDS, and  
BRICKLAYERS AND ALLIED CRAFTWORKERS  
LOCAL 5 NEW YORK,

## ECE CASE

## **STIPULATION AND ORDER DISCONTINUING ACTION**

05 CIV1049 (CLB)(LMS)

**Plaintiffs.**

**- against -**

NAVILLUS TILE, INC. d/b/a NAVILLUS CONTRACTING  
and DONAL O'SULLIVAN d/b/a NAVILLUS CONTRACTING,  
and DONAL O'SULLIVAN, Individually,

### Defendants.

**WHEREAS**, to avoid the expense and inconvenience of continued litigation and the parties having agreed to settle this action, it is

**HEREBY STIPULATED AND AGREED** by and between the undersigned attorneys for the parties that this action be discontinued with prejudice and without costs.

Dated: November 29, 2005

GROTTA, GLASSMAN & HOFFMAN, P.C.

— GELLERT & KLEIN, P.C.

BY-

Keith R. McMurdy, Esq.  
650 Fifth Avenue  
New York, NY 10019  
(212) 315-3992

84

Stephen E. Ehlers (SE 3094)  
75 Washington Street  
Poughkeepsie, NY 12601  
(845) 454-3250

SO ORDERED Nov 24, 2005

Charles L. Breant, U.S.D. 1

**GELLERT & KLEIN, P.C.**  
 ATTORNEYS AND COUNSELORS AT LAW  
 26 WASHINGTON STREET  
 POUGHKEEPSIE, NEW YORK 12601-2303  
 (845) 454-3250  
 FAX: (845) 454-4652  
 www.gklaw.us

LEONARD KLEIN	RODERICK J. MACLEOD
ARTHUR L. GELLERT	SABRINA BLAIN
STEPHEN E. EHLERS	DANIEL H. STOCK
JOHN A. CECOCHEGAN	BEVIN S. HARRINGTON
LILLIAN S. WEICERT	LINDA M. MURRAY
JAMES M. FEDORCHAK	KENNETH PUIG
STEPHEN E. DIAMOND	KELLY L. TRAVER
SCOTT L. VOLKMAN	JOAN W. MCFADDEN
DAVID R. WISE	

VARIOUS GELLERT & KLEIN ATTORNEYS  
 ARE ALSO ADMITTED TO PRACTICE IN  
 CT. FL., MA., ENGLAND

COUNSEL:  
 S. NINA GELLERT  
 RAJNA E. MAISSEI  
 ANTHONY M. QUARTARARO  
 SENATOR STEPHEN M. SALAND  
 ROBERT C. VINCENT, JR.

JOSEPH H. GELLERT  
 (1907-1989)

WESTCHESTER OFFICE  
 3010 WESTCHESTER AVENUE  
 SUITE 302  
 PURCHASE, NEW YORK 10577  
 (914) 249-0100  
 FAX: (914) 249-0111

Mr. Robert Rogers, Chief Deputy Clerk  
 United States District Court  
 Southern District of New York  
 U.S. District Courthouse  
 300 Quarropas Street  
 White Plains, NY 10601

Re: Trustees of the Bricklayers and Allied Craftworkers  
 Local 5, New York Funds, et al. v. Navillus Contracting/  
 Navillus Tile, Inc. and Donal O'Sullivan, Individually  
**05 CIV 1049 (CLB)(LMS)**  
 Our File No. 22520.5031

Dear Mr. Rogers:

Enclosed for filing please find Stipulation and Order Discontinuing Action in the above captioned matter.

By copy of this letter to Judge Brieant we are providing His Honor with a copy of the stipulation and informing him that the conference in this case, currently scheduled before him on December 2, 2005 at 11:00 a.m., will no longer be necessary.

Very truly yours,

**GELLERT & KLEIN, P.C.**

STEPHEN E. EHLERS

SEE:jcd  
 Enclosure

cc: Hon. Charles L. Brieant (w/encl.) (**VIA FACSIMILE**)  
 Mr. Tony Piacente (w/encl.)  
 Mr. Andrew T. Gallante (w/encl.)  
 Keith R. McMurdy (w/encl.)